

Margaret A. McLetchie, NBN 10931
Alina M. Shell, NBN 11711
MCLETCHE SHELL LLC
701 East Bridger Ave., Suite 520
Las Vegas, NV 89101
Telephone: (702)728-5300

Jennifer L. Braster, NBN 9982
NAYLOR & BRASTER
1050 Indigo Drive, Suite 200
Las Vegas, NV 89145
Telephone (702) 420-7000
Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

THOMAS WALKER, an individual, and
CATHY CATALDO, an individual

Plaintiffs,
vs.

CITY OF NORTH LAS VEGAS; OFFICER
PAUL MAALOUF, individually and in his
official capacity as a North Las Vegas Police
Department Officer; and OFFICER TRAVIS
SNYDER, individually and in his official
capacity as a North Las Vegas Police
Department Officer,

Defendants.

Case. No.: 2:14-cv-01475-JAD-NJK

STIPULATION AND ORDER TO
EXTEND DISPOSITIVE MOTION
DEADLINE

(First Request)

Pursuant to Local Rule 26-4, Plaintiffs, THOMAS WALKER and CATHY CATALDO (hereinafter “Plaintiffs”), by and through their attorneys of record, Margaret A. McLetchie and Alina M. Shell of McLetchie Shell, LLC and Jennifer L. Braster of Naylor & Braster, and Defendants, CITY OF NORTH LAS VEGAS, OFFICER PAUL MAALOUF, and OFFICER TRAVIS SNYDER (herein after “Defendants”), by and through their attorneys of record, Robert W. Freeman, Jr., Esq. and Noel E. Eidsmore, Esq., of Lewis Brisbois Bisgaard & Smith, LLP, hereby stipulate and request that this Court extend the

dispositive motion deadline thirty (30) days.

LOCAL RULE 26-4 REQUIREMENTS

Discovery in this matter has been completed. However, the parties are hereby requesting that the two remaining deadlines set forth in the Scheduling Order (ECF No. 114) be extended.

Currently, the last day for filing dispositive motions including, but not limited to motions for summary judgment, shall be extended from July 17, 2017 to **August 16, 2017**.

The parties also hereby request that the last day to file a Joint Pretrial Order, including any disclosures pursuant to Fed. R. Civ. P. 26(a)(3), shall be extended by thirty (30) days from August 16, 2017 to September 15, 2017. In the event dispositive motions are filed, the date for filing the Joint Pretrial Order shall be suspended until thirty (30) days after decision on the dispositive motions or upon further Order by the Court extending the time period in which to file the Joint Pretrial Order.

The parties aver, pursuant to Local Rule 6-1, that good cause exists for the requested extension. For example, Plaintiffs have three discovery motions which are still pending before this Court. Two of those motions request reconsideration of an order by the magistrate judge quashing subpoenas to two non-parties (ECF Nos. 132 and 133), while the other is motion for sanctions pursuant to Fed. R. Civ. P. 37(d).

Counsel for defendants has been occupied with propounding and answering discovery in Hollis v. North Las Vegas, 2:16-cv-2663-JAD-GWF, Murry v. North Las Vegas, 2:17-cv-157-APG -CWH, and Spiotto v. LVMPD, 2:17-cv-0153-GMN-GWF. Further counsel for defendants has been occupied in preparing a Motion for Summary Judgment in Kiessling v. LVMPD, 2:16-cv-690-GMN-NJK.

Further, the parties believe that dispositive motions may resolve issues related in the case, such as the same will not be required to proceed to a jury and will conserve judicial resources.

Local Rule 26-4 governs modifications or extension of the scheduling order. Any stipulation or motion must be made no later than twenty-one (21) days before the expiration

1 of the subject deadline, and comply fully with LR 26-4.

2 Pursuant to LR 26-4, any motion to extend discovery deadlines must be received
 3 by the Court “no later than twenty-one (21) days before the expiration of the subject
 4 deadline.” LR 26-4 further states that a request made after the deadline “shall not be granted
 5 unless the movant demonstrates that the failure to act was the result of excusable neglect.”
 6 The parties recognize that they are requesting an extension of the expert disclosure deadline
 7 inside of the twenty-one (21) day period as set forth in LR 26-4. As such, the parties submit
 8 that excusable neglect exists to permit granting the instant requested extension. In evaluating
 9 excusable neglect, the court considers the following factors: (1) the reason for the delay and
 10 whether it was in the reasonable control of the moving party, (2) whether the moving party
 11 acted in good faith, (3) the length of the delay and its potential impact on the proceedings,
 12 and (4) the danger of prejudice to the nonmoving party. *See, Pioneer Inv. Servs. Co. v.*
 13 *Brunswick Assocs.*, 507 U.S. 380, 395 S. Ct. 1489, 123 L.Ed.2d 74 (1993).

14 This extensions request is made in good faith, jointly by the parties, and not for the
 15 purposes of delay. Trial in this matter has not yet been set. Moreover, since this request is a
 16 joint request, neither party will be prejudiced.

17 This Request for an extension of time is not sought for any improper purpose or
 18 other purpose of delay. Rather, it is sought by the parties solely for the purpose of allowing
 19 sufficient time to conduct discovery in this case and adequately prepare their respective cases
 20 for trial.

21 This is the first request for extension of time in this matter. The parties respectfully
 22 submit that the reasons set forth above constitute compelling reasons for the extension.

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

WHEREFORE, the parties respectfully request that this Court extend the deadline to file dispositive motions in the above-captioned case thirty (30) days, up to and including **August 16, 2017** and the other dates as outlined in accordance with the table above.

IT IS SO STIPULATED.

DATED this 12th day of July, 2017.

DATED this 12th day of July, 2017.

LEWIS BRISBOIS BISGAARD & SMITH

MCLEATCHIE SHELL LLC

/s/ Robert W. Freeman, Jr., Esq.

/s/ Margaret A. McLetchie

Robert W. Freeman, Jr., Esq. NBN 3062
Noel E. Eidsmore, Esq. NBN 7688
6385 S. Rainbow Blvd., Suite 600
Las Vegas, NV 89118

Margaret A. McLetchie, NBN 10931
Alina M. Shell, NBN 11711
701 East Bridger Ave., Suite 520
Las Vegas, NV 89101

Attorneys for Defendants

and

Jennifer L. Braster, NBN 9982
NAYLOR & BRASTER
1050 Indigo Drive, Suite 200
Las Vegas, NV 89145
Attorneys for Plaintiffs

ORDER

IT IS SO ORDERED.

DATED July 13

_____, 2017.



United States Magistrate Judge